

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2011- 189 - T**

**RECEIVED**

MAY 09 2011

PSC SC  
CLERK'S OFFICE

IN RE:

Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why The Certificates of Public Convenience and Necessity for Certain Motor Carriers Should Not Be Revoked For Failure to File 2009 Annual Reports	)	PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED FOR FAILURE TO FILE 2009 ANNUAL REPORTS
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The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (Supp. 2010); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2010).

2. That the persons or companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (1976) in that they own, control, operate or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibits A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2010); further, that these

companies have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations.” 26 S.C. Code Regs. 103-133.4.a (Supp. 2010).

5. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2010), the public utilities subject to the Commission’s jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require the production of books, records and other information concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce. S.C. Code Ann. § 58-4-55 (Supp. 2010).

6. That, “[E]very motor carrier operating under a Certificate of PC&N and FWA shall file with the Commission on or before March 31 of each year, on forms prescribed and furnished by the Commission, an annual report for the preceding calendar year ending on December 31.” 26 S.C. Code Regs. 103-231 (Supp. 2010).

7. That Respondents Arrow Van Lines, Inc. (“Arrow”) and A-1 Moving Systems, Inc. (“A-1”), as further identified in Exhibit A attached hereto, have failed to file annual reports that were due on or before March 31, 2011 for the year ending 2009. See affidavit of Jeanne Gordon attached here to as Exhibit B.

8. As evidenced by the documents and records contained in Commission Dockets 2003-315-T and 2006-350-T both Arrow and A-1 have habitually failed to file Annual Reports and/or Gross Receipts forms. Most recently, Respondent Arrow Van Lines, Inc. (“Arrow”) was granted an

extension to file its 2009 Annual Report by no later than November 15, 2010 by the Commission in Order No. 2010-704. Arrow subsequently filed a second request for an additional extension to file its 2009 Annual Report on December 13, 2010 (Docket No. 2008-140-A). The Commission also granted this extension and in Order No. 2011-28 permitted Arrow until March 8, 2011 to file its 2009 Annual Report. A-1 requested an extension to file its 2009 Annual Report with the ORS. This request was forwarded to the PSC, which granted a 60-Day extension of Time to File the 2009 Transportation Annual Report in Order No. 2010-677 on October 06, 2010 (until 12-8-10).

9. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service...” 26 S.C. Code Ann. Regs. 103-240 (Supp. 2010).

10. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp. 2010).

11. Pursuant to 26 S.C. Code Regs. 103-830 (B) (1), "If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition." In order to assist the Commission in serving this Petition on the Respondents, ORS has provided information in Exhibit A regarding each motor carrier.

12. The information listed in Exhibit A for Arrow and A-1 accurately reflects the information on file with ORS as of May 3, 2011. See Exhibit B, Affidavit of Jeanne Gordon.

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

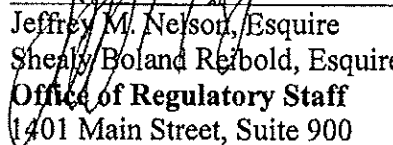
1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2010).

4. Enter a final order revoking the Certificates of Public Convenience and Necessity of Arrow and A-1 for their failure to file 2009 Annual Reports in violation of 26 S.C. Code Regs. 103-231 (Supp. 2010); and

6. For any further relief or action which the Commission may deem necessary.



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Jeffrey M. Nelson, Esquire  
Shealy Boland Reibold, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
Telephone: (803) 737-0800  
Fax: (803) 737-0895

May 9, 2011  
Columbia, South Carolina

Exhibit A *189*  
Docket No. 2011-    -T  
RTSC Trans Carriers Non- Compliant with Annual Report Filing 2009

#	DOCKET #	ORGANIZATION NAME	CONTACT NAME	CONTACT TITLE	ADDRESS	CITY	STATE	ZIP
1	2003-315-T	Arrow Van Lines, Inc.	Kevin Jaynes	President	200-B Purrysburg Rd	Hardeeville	SC	29927
2	2006-350-T	A-1 Moving Systems, Inc.	Kevin Jaynes	Owner	200-B Purrysburg Rd	Hardeeville	SC	29927

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. 2011-189-T**

**May 3, 2011**

IN RE: Petition of the Office of Regulatory )  
Staff to Revoke Certificates of ) **AFFIDAVIT OF**  
Public Convenience and ) **Jeanne Gordon**  
Necessity of Certain Motor Carriers )

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Database Manager/Special Projects for the Transportation Department.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as Database Manager/Special Projects for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On May 3, 2011, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the Annual Report as required by Regulation No. 103-231, an annual report has not been filed with the ORS by the following companies as of May 3, 2011:

Arrow Van Lines Inc  
c/o Kevin Jaynes – President  
200-B Purrysburg Rd  
Hardeeville SC 29927

&

A-1 Moving Systems Inc  
c/o Kevin Jaynes – President  
200-B Purrysburg Rd  
Hardeeville SC 29927

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon  
Jeanne Gordon  
Database Manager/Special Projects  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 3<sup>rd</sup> day of May, 20 11

Chrystal Morgan  
Notary Public for South Carolina  
My Commission Expires: 9/22/2014

## Gordon, Jeanne

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**Subject:** A-1 Moving Systems Inc

**Start:** Mon 5/2/2011 9:30 AM  
**End:** Mon 5/2/2011 10:00 AM

**Recurrence:** (none)

**Organizer:** Gordon, Jeanne

Kevin, (Email sent 4-18) came back undeliverable on 4-20

I have not yet received the 2009 annual reports for either Arrow Van Lines, Incorporated or A-1 Moving Systems, Incorporated. I will be sending the information to Legal this week to begin the Rule to Show Cause to cancel both companies for non-compliance unless I receive the reports by tomorrow. I know we have spoken numerous times concerning these reports and wanted to be sure you had not turned them in to the PSC instead of to ORS. Please let me know by the end of today if this was the case and I will request the reports from them. Thank you for your time. I look forward to hearing from you by tomorrow concerning these reports.

Check on Arrow Van Lines annual report due 3-8-11 and then start RTSC on both – Left msg with lady who answered phone on 3-8-11 letting her know annual report was due and they would need to ask PSC for another extension if they needed it.

Called Kevin Jaynes 2-28-11 – left msg still have not received annual report

Called Bryan again on 1-12-11 and he was going to check on the status and call me back. I let him know if they were not going to be able to get it to me shortly, they would need to request another extension.

Called Bryan on 12-6-10 843-784-3900 said accountant will have by end of week (12-10)

Called and asked for Jeff Harris (we have as contact-General Manager) – Receptionist said he was no longer employed there. I asked for Bryan and she said he was out sick. I explained I had spoken with Bryan twice before concerning their annual report, which was due 12-5-10. I explained he would say they would have it to me shortly but I have not received it, nor has Bryan called me. I let her know that if I did not have the report by the end of this week, I would be sending paperwork to Legal to begin a RTSC. ( I checked the PSC website and do not see where they have requested any new extension. )

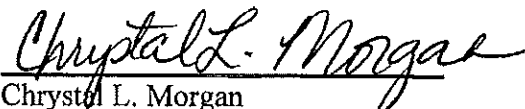
**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2011-189-T**

IN RE:	)	
Petition of the Office of Regulatory Staff for	)	
Commission to Order a Rule To Show Cause	)	
as to Why The Certificates of Public	)	CERTIFICATE OF SERVICE
Convenience and Necessity for Certain Motor	)	
Carriers Should Not Be Revoked For Failure	)	
to File 2009 Annual Reports	)	
	)	
	)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Kevin Jaynes, President  
Arrow Van Lines, Inc.  
200-B Purrysburg Rd.  
Hardeeville, SC 29927

Kevin Jaynes, Owner  
A-1 Moving Systems, Inc.  
200-B Purrysburg Rd.  
Hardeeville, SC 29927

  
Chrystal L. Morgan

May 9, 2011  
Columbia, South Carolina